



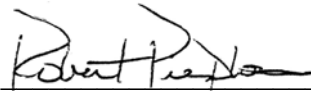
Construction Policy Bulletin

CPB 05-2 Disposal of Material Outside the Highway Right-of-Way

References: *Standard Specifications* Section 7-1.13, "Disposal of Material Outside the Highway Right of Way"
 Construction Manual Section 3-607, "Local Materials"
 Section 3-708, "Disposal of Material Outside the Highway Right-of-Way"
 Section 7-103D, "Disposal, Staging and Borrow Sites (DSB)"

Effective Date: February 1, 2005

Approved:



ROBERT PIEPLOW
Chief
Division of Construction

Approval Date: January 31, 2005

Background

Section 7-1.13, "Disposal of Material Outside the Highway Right of Way," of the *Standard Specifications* requires the contractor to enter into written agreements with property owners for the disposal of materials outside the highway right-of-way. In addition, it allows the resident engineer to request written evidence that the property owner is satisfied that the contractor has complied with the agreement provisions before acceptance of the contract.

Existing Procedure

Section 7-103D, "Disposal, Staging and Borrow Sites (DSB)," of the *Construction Manual* states that the resident engineer must not allow the contractor to dispose of material without prior approval of the written agreement between the contractor and the property owner. Section 3-607C, "Disposal of Materials," of the *Construction Manual* also states that the contractor must prepare an agreement as shown in Section 3-607, "Local Materials," of the *Construction Manual* with wording modified to indicate disposal sites instead of material sites.

New Procedure

Resident engineers should use the new sample agreement between the contractor and the property owner for disposal of material outside of the right-of-way titled, "Agreement between a Contractor Working on State Facilities and a Real Property Owner for the Placement of Construction Related Material Outside of the State Right-of-Way," as a model. The sample agreement is attached. The resident engineer should provide a copy of this agreement for the contractor's use. The contractor may use this sample agreement or provide an equivalent agreement. After the contractor and property owner complete an agreement and

obtain all the necessary permits, licenses, and environmental clearances, the contractor must submit the signed agreement to the resident engineer for approval as well as submit all the necessary permits, licenses, and environmental clearances. The resident engineer must provide written approval to the contractor for the disposal of the material after review and verification of the adequacy of the contractor's agreement, necessary permits, licenses and environmental clearances. A sample written approval is attached. If the contractor's submitted agreement varies significantly from the sample agreement and additional assistance is needed in reviewing and approving the agreement to ensure it fulfills all requirements, then contact the Division of Construction Environmental Engineering Coordinator.

The agreement between the contractor and the property owner regarding disposal of material outside of the right-of-way should not be used by the contractor for the disposal of waste material to a commercial landfill or treatment facility. The resident engineer should verify the permit status of the landfill or treatment facility via the State Water Resources Control Board or Department of Toxic Substances Control web sites:

<http://www.swrcb.ca.gov/cwphome/land/walist.html>

http://www.dtsc.ca.gov/HazardousWaste/LIST_HWM_Commercial_Facilities.pdf

Alternatively, the resident engineer should contact the facility to obtain a copy of the facility's permit.

If you have questions or comments about this bulletin, please contact Jerry Marcotte, Environmental Engineering Coordinator, Division of Construction at (916) 654-3134.

Attachments